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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,428	06/30/2003	William Christopher Draper JR.	10761-1358-00000	8076
81331	7590	10/28/2010		
Accenture/Finnegan, Henderson, Farabow, Garrett & Dunner, LLP 901 New York Avenue Washington, DC 20001-4413			EXAMINER PARKER, BRANDI P	
			ART UNIT	PAPER NUMBER
			3624	
			NOTIFICATION DATE	DELIVERY MODE
			10/28/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

betty.finley@finnegan.com

dianna.williams@finnegan.com

catherine.vanhouten@finnegan.com

Office Action Summary

Application No.

10/608,428

Applicant(s)

DRAPER ET AL.

Examiner

BRANDI P. PARKER

Art Unit

3624

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 41-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 41-59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

DETAILED ACTION

Acknowledgements

1. This is a Second Non-Final office action in response to communications filed on 8/31/2010.
2. Claims 41-59 are pending in this Office Action. Claims 1-40 were previously cancelled.

Response to Arguments

3. Applicant's arguments with respect to claims 41-59 have been considered but are moot in view of the new ground(s) of rejection.

Official Notice

4. In the previous Office Action mailed 6/21/2010, notice was taken by Examiner Jaime F. Cardenas Navia that certain subject matter is old and well known in the art. Per MPEP 2144.03(c), these statements are taken as admitted prior art because no traversal of this statement was made in the subsequent response. Specifically, it has been taken as prior art that:

preparing, via the computer system, course materials, including at least one of ordering the course materials, initiating reproduction of the course materials, or initiating delivering of the course materials is old and well-known;

identifying facility and equipment improvements from student recommendations and reviewing instruction quality via a computer system is old and well-known;

creating cost forecasts, defining instructor certification criteria, monitoring instructor quality, and determining whether course materials can be delivered to another locale were well-known to one skilled in the art at the time of the invention. This was also admitted in Applicant's response (Arguments/Remarks section) to the Office Action dated March 18, 2009;

training course instructors via a computer system is old and well-known;
and

certifying instructor knowledge of course subject matter is old and well-known.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 41, 42, 44, 45, 50, 51, 53 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bull (US 6409514) in view of Martin et al "So You Want to Develop a Distance Education Course".

7. Regarding claim 41, Bull teaches a computer-implemented method for development of training for members of an organization, comprising:

receiving, via the computer system, delivery criteria to prioritize delivery of the course, wherein the delivery criteria includes one or more of a course content (fig. 2, core classes have priority), a course media type, a student demand, an instructional style, a facilities requirement, and an equipment requirement;

forecasting, via the computer system, future demand for the course based on the delivery criteria (col. 3, lines 50-62);

developing, via the computer system, the course based on the delivery criteria and the forecasted future demand (col. 3, lines 24-32, 36-38, 53-57, scheduling the course, col. 4, lines 14-18, delivering the course);

providing, via the computer system, the developed course to the members of the organization (col. 4, lines 14-18, delivering the course);

collecting, via the computer system, feedback data after the developed course has been provided to the members of the organization, wherein the feedback data is related to at least one of an instructor and the course content (col. 4, lines 14-18, performance is related to instructor and course content); and

generating, by the computer system, at least one report based on one or more of the delivery criteria, the forecasted future demand, and the feedback data (col. 4, lines 14-18, performance data is feedback data).

Bull does not explicitly teach receiving data about courses that are to be developed in the future. However, Martin teaches:

receiving, data regarding subject matter of a course that is to be developed (pg.1, regarding course development; pg.2-3, regarding considerations when designing education courses);

It would have been obvious to one with ordinary skill in the art to combine the teachings of Bull with the teachings of Martin for the benefit of customizing the development of a new course for improved course content, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

8. Regarding claim 42, Bull does not explicitly teach wherein providing the developed course further includes at least one of: providing, via the computer system, the developed course to the members via virtual instructor led training; and providing, via the computer system, the developed course to the members via self-paced training. Martin teaches wherein providing the developed course further includes at least one of:

providing, via the computer system, the developed course to the members via virtual instructor led training (p. 1, regarding distance education inclass environment with instructors and students regardless of the miles between them); and

providing, via the computer system, the developed course to the members via self-paced training (p. 3, regarding distance education courses being selfdirected).

9. Regarding claim 44, Bull teaches scheduling, via the computer system, the developed course to be provided to the members (col. 3, lines 24-32, 36-38, 53-57, scheduling the course).

10. Regarding claim 45, Bull teaches wherein scheduling the developed course further includes: managing, by the computer system, information that includes at least one of instructor names, instructor skills, course location, course delivery method, estimated expenses for the course, course materials, and course equipment (col. 1, lines 33-47); and

creating, by the computer system, non-conflicting course sessions (col. 3, lines 24-32, 36- 38, 53-57, scheduling the course).

11. Regarding claims 50, 51, 53, and 54, they are rejected using the same art and rationale used above for rejecting claims 41, 42, 44, and 45. This is because claims 50, 53, and 54 claim a system for performing the method of claims 41, 44, and 45.

12. Claims 43, 46-48, 52, and 55-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bull (US 6,409,514 B1) in view of Martin et al "So You Want to Develop a Distance Education Course", as applied above to claims 41 and 50, further in view of Official Notice.

13. Regarding claim 43, Bull teaches preparing, via the computer system, student certificates for distribution (col. 8, lines 7-9, course certificates). Bull in view of Martin does not explicitly teach preparing, via the computer system, course materials, including at least one of ordering the course materials, initiating reproduction of the course materials, or initiating delivering of the course materials.

Official Notice is given that preparing, via the computer system, course materials, including at least one of ordering the course materials, initiating reproduction of the course materials, or initiating delivering of the course materials is old and well-known. As a matter of practicality, course materials must be prepared in order to teach a course, and the above methods are certainly old and well-known.

All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions. The claimed invention is merely a combination of old and well-known elements, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been

obvious to combine the teachings, motivated by the advantage in improved course delivery and the teaching in Bull of course delivery (col. 4, lines 14-18).

14. Regarding claim 46, Bull teaches collecting, via the computer system, information related to at least one of a student roster and student assessments (col. 4, lines 14-18, performance data is student assessments, col. 1, lines 33-47, student roster); storing, via the computer system, the student assessments (col. 4, lines 14-18). Bull in view of Martin does not explicitly teach:

identifying, via the computer system, one or more of recommended facility improvements and recommended equipment improvements; and reviewing, via the computer system, the quality of instruction.

Official Notice is given that identifying facility and equipment improvements from student recommendations and reviewing instruction quality via a computer system is old and well-known. The continuous improvement of business processes through internal feedback, particularly in regards to education, is well-documented.

All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions. The claimed invention is merely a combination of old and well-known elements, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the advantage in improved course delivery and the teaching in Bull of tracking performance (col. 1, lines 33-47).

15. Regarding claim 47, Bull teaches:

monitoring, via the computer system, information collected while the course is developed and provided (col. 3, lines 24-32, 36-38, 53-57, scheduling the course and monitoring course offerings and enrollment, col. 4, lines 14-18, delivering the course and monitoring performance);

receiving, via the computer system, requests for training (col. 3, lines 24-32, 36-38, 53- 57, workers registering for courses);

creating, via the computer system, training proposals (col. 3, lines 24-32, 36-38, 53-57, training proposals are course offerings and course sections for core courses);

managing, via the computer system, at least one of facilities and equipment used in the course (col. 3, lines 24-61, course sections, classrooms and equipment management);

Bull in view of Martin does not explicitly teach: creating, via the computer system, cost forecasts; defining, via the computer system, instructor certification criteria; monitoring, via the computer system, instructor quality; and determining, via the computer system, whether course materials can be provided to another locale.

Official Notice is given that creating cost forecasts, defining instructor certification criteria, monitoring instructor quality, and determining whether course materials can be delivered to another locale were well-known to one skilled in the art at the time of the invention. This was also admitted in Applicant's response (Arguments/Remarks section) to the Office Action dated March 18, 2009.

All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions. The claimed invention is merely a combination of old and well-known elements, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the advantage in improved course delivery.

16. Regarding claim 48, Bull in view of Martin does not explicitly teach training, via the computer system, the instructor of the course. Official Notice is given that training course instructors via a computer system is old and well-known, and often required.

All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions. The claimed invention is merely a combination of old and well-known elements, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the advantage in improved course delivery.

17. Regarding claims 52 and 55-57, they are rejected using the same art and rationale used above for rejecting claims 43 and 46-48. This is because claims 52 and 55-57 claim a computer system for performing the method of claims 43 and 46-48.

18. Regarding claim 59, it is rejected using the same art and rationale used above for rejecting claim 47. This is because claim 59 claims a method performing the method of claim 47.

19. Claims 49 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bull (US 6,409,514) in view of Martin et al "So You Want to Develop a Distance Education Course", as applied above to claim 41, further in view of Official Notice and Holland (Professional Development in Technology: Catalyst for School Reform. Association for the Advancement of Computing in Education. Journal of Technology and Teacher Education. June 22, 2001. Gale Group).

20. Regarding claims 49 and 58, Bull in view of Martin does not explicitly teach wherein training the instructor includes:

certifying, via the computer system, knowledge of the subject matter of the course;

certifying, via the computer system, of presentation skills related to the instructor;
and

certifying, via the computer system, of effective use of delivery mechanisms by the instructor.

Official Notice is given that certifying instructor knowledge of course subject matter is old and well-known, and often required.

Holland teaches wherein training the instructor includes: certifying, via the computer system, of presentation skills related to the instructor (p. 5, par. 5); and certifying, via the computer system, of effective use of delivery mechanisms by the instructor (p. 5, par. 5).

All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Holland does not teach away from or contradict Bull or Martin, but rather, teaches a step that was not addressed. The claimed invention is merely a combination of old and well-known elements, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings of Holland with the teachings of Bull, Martin and Official Notice, motivated by the desire to improve and ensure the quality of the training activities.

Conclusion

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

O'Connor et al (US 6067537), regarding system for a goal based educational system with support for dynamic personality feedback;

Simmons (WO 98/03953), regarding interactive instruction over a computer network;

Salzberg et al (US 2003/0086536), regarding metrics related developing and testing;

Etesses et al (US 2004/0030781), regarding internet-based education support system.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRANDI P. PARKER whose telephone number is (571) 272-9796. The examiner can normally be reached on Mon-Fri. 8-5pm.

23. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynda C. Jasmin can be reached on (571) 272-6782. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

24. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/BRANDI P PARKER/
Examiner, Art Unit 3624
10/20/2010

/LYNDA C JASMIN/
Supervisory Patent Examiner, Art Unit 3624